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UNHCR ACTIVITIES FINANCED BY VOLUNTARY FUNDS: REPORT FOR 1993-1994 AND PROPOSED PROGRAMMES AND BUDGET FOR 1995

PART IV. AMERICAS AND THE CARIBBEAN

Section 6 - United States of America

(submitted by the High Commissioner)

GE.94-03474

IV.6 UNITED STATES OF AMERICA

Country Overview

Characteristics of the refugee population

1. Most asylum applications in the United States are submitted to the Immigration and Naturalization Service (INS). Appeal cases are adjudicated by immigration judges, who are part of the Executive Office for Immigration Review (EOIR) in the Department of Justice. For 1992 and 1993, the main statistics were as follows:

	1992	1993
Cases filed (INS)	104,000	144,000
Cases filed (EOIR)	13,000	15,000
Cases approved (INS)	3,900	5,000
Cases approved (EOIR)	1,800	1,700

2. According to the INS, the five countries with the highest number of asylum applicants in 1993 were Guatemala, El Salvador, China, Haiti and Mexico. In 1993, refugee arrivals totalled some 119,500, compared to 123,000 in the previous year.

3. In addition to asylum-seekers, the United States humanitarian programme includes refugees and persons accepted for temporary protection. At January 1994, those granted temporary protection (Temporary Protected Status - (TPS)) were made up of some 300 from Bosnia and Herzegovina, 5,000 from Liberia and 350 from Somalia. The TPS programme for nationals of El Salvador expired on 30 June 1992, and after being changed to a less formal status known as Deferred Enforced Departure (DED), was extended to 31 December 1994. This measure effectively postpones enforcement of deportation for some 83,000 Salvadorians until 31 December 1994 Eligible Salvadorians are authorized to work in the USA.

Major Developments (1993 and first quarter 1994)

Haiti

4. Throughout 1993 and the first quarter of 1994, UNHCR maintained its strong reservation towards the US Government policy of intercepting and returning Haitians on the high seas without granting them access to US asylum procedures. Haitians on boats picked up by the US Coast Guard were allowed to complete preliminary questionnaires to formulate their claim of persecution but were returned to Haiti and advised to contact an in-country US processing centre to present their claims for asylum to the USA. This policy was modified in May 1994 (see para 16 below). In 1993, the three processing centres in Haiti received 56,577 cases for asylum, of which 13,536 cases representing 15,860 individuals were adjudicated. Of these, 1,177 cases (9 per cent) or 3,207 persons (20 per cent) were approved.

Programme objectives and priorities

5. In 1995, the Branch Office in Washington, DC, will build upon activities of previous years, with particular attention to the promotion of the principles of asylum and non-refoulement and the special protection needs of refugee women and children. Moreover, in a climate of increased governmental focus on domestic issues, maintaining and developing congressional support for UNHCR activities presents a particular challenge. In addition to the dissemination of information on refugee emergencies to key congressional staff, UNHCR plans to conduct regular briefings with US congressional and non-governmental organization (NGO) staff dealing with refugees and human rights.

6. A prime objective will be to continue to emphasize the role of NGOs as key allies in communicating UNHCR programmes and needs, given the large number of NGOs and their influence in Congress and the media.

7. Another objective will be to facilitate, develop and expand UNHCR's private sector fund raising activities.

8. The training programme, aimed at United States NGO attorneys and asylum and resettlement officers, has been well-received by the US Government. In 1995, the Branch Office would like to develop training plans for US officials with whom it has had less contact, including INS enforcement personnel such as border patrol officers, detention officers and inspectors, as well as immigration judges.

Arrangements for implementation/related inputs

9. In 1993, UNHCR continued to implement its local settlement project through the Church World Service. Two legal counsellors, two resettlement counsellors and two support staff carry out legal and resettlement counselling and assist in identifying suitable refugee support groups willing to sponsor refugees seeking to resettle in the USA.

General Programmes

(a) **Variations in planned activities in 1993**

10. Under the local settlement project, 564 new resettlement cases were being pursued. This represents a decrease of 18 per cent compared to 1992, and 45 per cent compared to 1991.

11. More than 150 vulnerable refugees were resettled in the US in 1993 through special procedures for vulnerable groups.

12. The Branch Office has been engaged in discussions with the INS regarding the possibility of streamlining and expediting waiver requests for HIV-positive cases to deal more effectively with the pending caseload. At the same time, efforts are being made to design a more effective and efficient system of referral for filing waivers by expanding the network of attorneys and providers of other services.

13. Twelve refugees were repatriated from the US in 1993: eight to South Africa, two to Ethiopia, one to the Lao People's Democratic Republic and one to Namibia.

14. UNHCR legal and resettlement staff conducted 26 preliminary and advanced training courses in refugee, immigration law and resettlement processing. Participants included INS asylum officers recruited for the Haiti in-country processing programme, State Department staff and people from a number of US military colleges and educational institutions.

(b) **1994 planned implementation**

15. The Branch Office is working with US authorities to establish fair, effective and expedient screening procedures through legislative or administrative reforms that are in accordance with US obligations to provide protection to refugees. UNHCR will continue to provide technical advice on draft legislative bills to amend the US Asylum Act.

16. Following the 8 May 1994 change in policy by the United States Government on interception at sea of Haitian boat people and UNHCR's agreement to assist with the Government's decision to seek safe havens for Haitian asylum-seekers, the High Commissioner appointed a Special Envoy on Haiti. A Haiti Unit was created in Washington to support the Special Envoy, and UNHCR deployed legal and administrative staff to the region.

17. During the year, UNHCR will also continue to work with US attorneys in filing gender-related claims on behalf of women seeking asylum, particularly in the context of recent US Federal Court decisions citing persecution on the basis of gender as a ground for asylum.

(c) **1995 programme proposals**

Local settlement

18. In 1995, the Branch Office plans to strengthen its partnership with NGOs through regular participation in meetings with resettlement agencies. Partnerships with NGOs enhance UNHCR's influence in NGO decisions and policy proposals presented to US authorities.

19. UNHCR continues to play an active role in status determination. Statistics show that there has been an increase in the US Government's support for resettlement needs identified by the Office. UNHCR is also working to establish a permanent inter-agency working group with government and non-government representatives to foster coordination and cooperation in formulating policies for the admission of refugees to the US.

Special Programmes

Other Trust Funds

20. In 1994, UNHCR provided an exceptional allocation to finance the start-up activities of USA for UNHCR, an NGO established with the support of UNHCR for the purpose of promoting fund raising in the private sector.

Programme Delivery and Administrative Support Costs

(a) **Variations in planned activities in 1993**

21. Posts for a Senior External Relations Officer and a Secretary in Washington were created as planned in July 1993, but remained vacant for part of the year. In addition, two other posts were not occupied for several months of the year. As a consequence, salaries and related non-staff costs in 1993 were considerably lower than revised estimates.

(b) **1994 planned implementation**

22. Revised estimates for 1994 have increased substantially over initial estimates. In New York, posts have been created for a Liaison Assistant and a Clerk/Receptionist as of June, and revised estimates cover full-year costs of posts created in Washington in the middle of 1993, as well as projected costs of new premises.

(c) **1995 programme proposals**

23. In 1995, programme delivery and administrative costs in the United States are expected to increase slightly, due to the full-year effect of General Service posts created in New York in mid-1994. Otherwise, projections for 1995 are similar to 1994, as no major changes are planned.

UNHCR EXPENDITURE IN THE UNITED STATES OF AMERICA

(in thousands of United States dollars)

1993	1994		1995	
AMOUNT OBLIGATED	ALLOCATION APPROVED BY 1993 EXCOM	PROPOSED REVISED ALLOCATION	SOURCE OF FUNDS AND TYPE OF ASSISTANCE	PROPOSED ALLOCATION/ PROJECTION
GENERAL PROGRAMMES (1)				
45.1	–	–	EMERGENCY FUND	–
4.5 a/	–	–	CARE AND MAINTENANCE	–
5.2 a/	–	–	VOLUNTARY REPATRIATION	–
787.2 b/	681.4	340.2	LOCAL SETTLEMENT	367.1
154.9	295.1	–	RESETTLEMENT	–
–	–	1,901.9	PROGRAMME DELIVERY See Annexes I a and II a	1,930.5
996.9	976.5	2,242.1	SUB–TOTAL OPERATIONS	2,297.6
886.9	1,044.8	412.8	ADMINISTRATIVE SUPPORT See Annexes I b and II b	431.4
1,883.8	2,021.3	2,654.9	T O T A L (1)	2,729.0
SPECIAL PROGRAMMES (2)				
56.9	–	139.4	OTHER TRUST FUNDS	–
56.9	0.0	139.4	T O T A L (2)	0.0
1,940.7	2,021.3	2,794.3	GRAND TOTAL (1+2)	2,729.0

a/ obligation incurred against Overall Allocation
b/ of whihc US$ 3,456 incurred against Overall Allocation